

HWACalendar

ASS. EA 24.3:1995/2

FEBRUARY 15, 1995

MEETING NOTICE

DEP ONE WINTER STREET BOSTON ATLANTIC ROOM- 10TH FLOOR

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

Agenda

GOVERNMENT DOCUMENTS COLLECTION

- 9:30 Minutes of the 12/21/94 meeting FEB 27 1995
- 9:45 Announcements and updates University of Massachusetts
Multi-Disciplinary Advisory Committee meeting (3/21)
New Policies: Jim Miller
Batteries
Formulators - Commodity vs. Waste
- 10:00 Progress Report on Reg Revision - Jim Miller
and Andrea Adams
- 10:45 Emergency Treatment Permits (30.861) - Al Nardone
- 11:15 Printer Initiative - Nancy Wrenn
- 11:30 Steering Committee meeting:
Membership questions
Future agenda topics

Transporter Committee meeting
DEP, 5th Floor Conference Room

April 12, 1995
10:00 - noon



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
December 21, 1994

Members present: Brown (chair), Cahaly, Cox, Franklin, Lataille, Rubinstein

Members absent: Adams, DeMaria, Mascoop, Ozonoff, Schloss

Minutes of the 10/19/94 HWAC meeting were accepted as written. Lynn Rubinstein questioned whether a new member of HWAC had been present.

Announcements and updates:

Nancy Wrenn reported that there have been approximately 60 municipalities applying for surplus paint and used oil recycling equipment. A screening process is now being developed since all the requests cannot be filled.

Geoff Brown said there were smiles at AIM when he and Lynn presented their report on recommended revisions to 310 CMR 30.000. The general feeling is that the revisions will be more sensible and open up opportunities for recycling. They were surprised to experience very few questions at their presentation to the TURA Council. In contrast, the meeting with Commissioner Powers, which was attended by Ass. Comm. Ed Kunce, Arleen O'Donnell, and EOEPA Policy Director, Scott Cassel, as well as Steve DeGabriele, was a lively dialogue. Powers commented, "We have to make this happen." Possible consultant assistance was mentioned. DeGabriele commented that given existing resources, it could take up to three years to accomplish the task.

DEP Work Plan:

The entire meeting was devoted to a "Coming Attractions" presentation by Jim Miller of the phased work plan to accomplish the changes in the regulations and discussion of the integration of the committee's recommendations. He explained that whenever there are changes in regs at the federal level, DEP in consultation with HWAC will routinely review them and within a year, incorporate them, as appropriate. Because the federal language will be adopted, the committee's hope for understandable regs may be difficult to achieve. DeGabriele reminded the committee that DEP's hazardous waste program is behind by 130 rules and that neither EPA nor DEP has the resources to move through authorization as we have known it.

When regs are written, the Department must be able to demonstrate that environmental protection is achieved. The regs which will be considered are those which are "broader in scope and more

stringent" (BIS/MS). One set of regs which are BIS/MIS are the Class A recycling regs. The biggest change proposed will be to move from a permit to a notification (21 days) and drop the lead acid batteries from the list. Other areas which are to be addressed in the first phase are the household hazardous waste regs (30.390), PCB, Zero Discharge and Transporters as Marketers. The Used Oil (federal Part 279) regs are a big project and will probably not be addressed in the first phase.

In looking at the treatment by generator question, Cahaly suggested that DEP would want to prevent the treatment of solids, which is a concentration issue. Brown suggested that DEP leave room for a case by case review to encourage waste minimization. He thought subcommittees could help work this out. Miller said he hopes to get out to peer review in August. HWAC can recommend people to talk to. Resources for communication with the regulated community are lacking. When the regs are revised, there will still be a need for guidance, DeGabriele noted.

Rubinstein questioned why the proposed reg change for transporters ("acceptance," etc.) was not proposed for the first phase. Miller said this was more complex than might be assumed.

The second phase and third phase were outlined. Betsy Davis from EPA questioned how quickly the IBR process would be completed. DeGabriele said that IBR had gotten delayed 6 months because of a high priority research facilities project and that now he is projecting a "critical mass of staff resources" will be applied to it in the second and third phases. Cox noted that the staff time is slim and does not account for the legal resources which may be needed. Cahaly moved that HWAC accept this draft work plan, as proposed, and work with Steve and staff to implement it. The motion was seconded by Rubinstein. The motion was approved unanimously.

Cahaly further suggested that HWAC go on record and send a letter to the Commissioner in support (Cox added request additional staff or outside consultants). This too received a unanimous vote in favor. Brown offered to draft the letter. Rubinstein noted that the Miller presentation had been fantastic. Cahaly said he thought the Rules committee should become a standing committee to work with staff on a regular basis. He moved that the steering committee appoint a chair* of a reconstituted Rules Committee. This motion was approved unanimously. DeGabriele noted that this committee could assist in developing the external communication.

An additional presentation by Brown and Rubinstein will be offered to Sec. Coxe, who is currently looking at all of DEP's rules.

*Immediately following the meeting, Brown telephoned Miller that Andrea Adams had accepted the position of liaison/chair.

REXHAM GRAPHICS

28 Gaylord Street
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January 4, 1995

Mr. Thomas Powers, Acting Commissioner
Massachusetts D.E.P.
1 Winter Street
Boston, Ma. 02108

Reference: RECODIFICATION AND CHANGES TO 310 CMR 30

Dear Commissioner Powers:

Let me begin by thanking you on behalf of the Hazardous Waste Advisory Committee for taking the time on 12/19/94 to discuss the proposed changes to the hazardous waste rules with me and Lynn Rubinstein. Both Lynn and I came away from that meeting with the understanding that you agreed with the spirit of the changes, and are eager to proceed with the process of codifying the specific recommendations.

As further evidence of DEP's commitment to move forward, Steve DeGabriele presented to HWAC on 12/21/94 a draft work plan that would, if implemented, have all of the major recommendations well into the rulemaking process by this time next year. We all recognized that his plan has a very aggressive time line that will be leveraged by resource availability. Steve's plan was endorsed by HWAC.

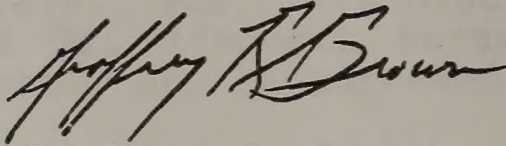
HWAC wants to go on record as encouraging you to take any measures that you deem appropriate to provide the resources necessary to carry out Steve's plan on schedule. We feel strongly that we should not allow the momentum generated by our recommendations to be dissipated by stretching the process out too far in time.

HWAC will support DEP's efforts to achieve DEP's goals as expressed in the work plan. We have already reformed the Rules Subcommittee, and made its members available to Steve, Jim Miller, and anyone else working on the rules for consultation, advice, or clarification of our original recommendations. The "new" Rules Committee will be chaired by Andrea Adams, who will serve as the focal point to the committee and a liaison to Steve's group.

We will work with private groups if you choose to pursue the idea of finding private money to augment this program. In short, we will do whatever is necessary and reasonable to help DEP achieve its goals. We ask for your support as well.

If there is anything that we might have overlooked, or if you or your staff need any help, feel free to call upon me, any member of the Rules Committee or any HWAC member. We're all ready to help.

Sincerely,

A handwritten signature in dark ink, appearing to read "Geoffrey R. Brown". The signature is fluid and cursive, with the first name "Geoffrey" and last name "Brown" clearly distinguishable.

Geoffrey R. Brown
HWAC Steering Committee Member

cc: Steven DeGabriele
Andrea Adams
Lynn Rubinstein
Robert Cox

HWACalendar

April 19, 1995

MEETING NOTICE

DEP ONE WINTER STREET BOSTON 10TH FLOOR - BERKELEY ROOM

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-6887

GOVERNMENT DOCUMENTS
COLLECTION

Agenda

MAY 03 1995

- 9:30 Minutes of the February 15, 1995 meeting University of Massachusetts
Depository Copy
- 9:45 Announcements and updates
DEP Commissioner - Steve DeGabriele
Joint Advisory Committee Meeting - 3/21/95
Steering Committee Meeting & Status of HWAC
Membership
- 10:15 Status of Reg Revision and Policy Work - Jim Miller
including Household Hazardous Waste Regs
- 11:00 Status of Surplus Paint and Automotive Recycling Grant
Programs - Nancy Wrenn
- 11:15 Emergency Treatment Permits (30.861) - Ana Stern

Transporter Committee meeting
DEP, 5th Floor Conference Room

June 14, 1995
10:00 - noon

Next HWAC Meeting

June 21, 1995
9:30 - Noon



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
February 15, 1995

Members present: Brown, Cahaly, Cox (chair), Lataille, Mascoop,
Rubinstein

Also attending: Scott Cassel, EOEa director of waste policy and
planning

Members absent: Adams, Franklin, Ozonoff

Minutes of the 12/21/94 meeting were amended to strike "and Lynn"
in the third paragraph.

Announcements: Nancy Wrenn announced that Mary Ellen Schloss and James DeMaria have resigned from the committee. She is contacting MACC to find a replacement for DeMaria. Wrenn expressed appreciation on behalf of Steve DeGabriele for the letter which the committee sent to Commissioner Powers in support of hazardous waste regulations revision as a high priority for the program. Bob Cox thanked Geoff Brown for his effort in moving the letter forward. Wrenn announced a "multi-media" advisory committee meeting to which HWAC members and active subcommittee members will be invited by Assistant Commissioner Stanton, to be held on March 21.

Battery Policy Presentation: Scott Cassel, describing the background of the battery policy, noted that the toxicity of heavy metals, particularly mercury, which has been found in fish in Massachusetts, has been of concern. One policy approach would be to collect all batteries, an "end-of-pipe" solution, the other would promote "front end" solutions, such as a ban on the sale of mercury batteries, which has been proposed in current battery legislation. EOEa is working on both of these and has encouraged DEP to develop a policy which would allow the private sector to establish an infrastructure for the collecting of batteries, as an incentive to divert them from combustion facilities. EOEa also supports a ban on the sale of certain batteries which can be reformulated with less toxic ingredients.

Jim Miller presented the policy through the use of overheads and a handout. Modeled after the proposed Universal Waste Rule, the DEP proposes to exempt batteries which are collected and intended for recycling/reclamation from the generator requirements of RCRA until they reach the final consolidation point. Batteries from both commercial and residential sources would be covered under this policy which would be interim, pending final adoption of a Universal Waste Rule in Massachusetts. Members of the committee expressed concern about whether DEP has the authority to do this

and what would happen if the final consolidation point were not in Massachusetts. Would there be any tracking? Is there liability under CERCLA for any of the participants in the collection system? Miller noted that some final points may be TSDF's and require the batteries to be shipped to them on a manifest, others may be recyclers and cannot receive on a manifest. Lead acid batteries are exempted. Cassel noted that EOEPA is promoting the collection of these batteries at municipal drop-off programs along with used oil, filters and spent antifreeze.

Considerable discussion ensued on the issue of policy vs. regulation. The co-chairs of the Regs Review subcommittee, Brown and Rubinstein, urged that there be a 12 month sunset provision added to the policy. Brown commented that the regulated community will be establishing an infrastructure at their own expense. If the Universal Waste Rule makes the infrastructure without profit or benefit, DEP would have done a disservice. Miller said he agreed with the sunset provision.

Formulator Policy: Miller introduced a second proposed policy which has been developed to clarify for DEP inspectors when a "make-up" batch is classified as a hazardous waste. Bill Sirull explained that historically large quantities of this material have been found on site at formulators where rinsate, for example, may be used to make up new batches. The policy will set guidelines. For example, if the material is stored outdoors, it will be considered a "waste." Dick Cahaly commented that DEP may not have authority to encroach on a process. If generators are "sloppy," however, they are fair game. Ethan Mascoop said that such a policy could be very helpful to the local authority and asked that the policy be sent to all local Boards of Health. Geoff Brown expressed concern that if the policy added an extra burden, this could reduce the amount of reuse and toxic use reduction. He offered that such material would be labeled a "hazardous material" under OSHA. Sirull said that this should not pose a significant burden-- a log with product specification documenting that the material is reused within a specific time period. Cahaly asked how an inspector could verify the information. Leon Lataille noted that in his practice he has seen "orphan drums" and there should be guidance with flexibility. Miller said that the policy will probably not be final for another two months and can be on the next meeting's agenda.

Rubinstein moved that HWAC endorse the Battery Policy and that it be reframed as a series of waivers to 21C. Cahaly added that HWAC advises DEP to consider the feasibility of amending the recycling regs in place of the policy. Ethan Mascoop amended the motion to add language that would sunset the policy 12 months after the promulgation of the Universal Waste Rule. The vote on the amended motion was four in favor, two opposed. (Cox and Lataille voted against the motion.)

Jim Miller reported that the reg revision is focused on the Class A generator, household hazardous waste and marketers. See handout. Geoff Brown affirmed that members of the Reg Review group were available as resources and that Andrea Adams would be the liaison.

Bill Sirull noted that there is concern about companies which are receiving wastes under a recycling permit which could be in fact a TSDF activity. Regulated recyclable materials are a large volume of waste shipped. Geoff Brown asked if the Department could open up the opportunity for material to be reused. He stated that SARA, TURA and Biennial reports are already tracking this information. Therefore, it should not require a separate permit review. He then described a specific case where his company would like to use an isopropanol "waste" from another generator and they were unable to do it without a burdensome permit. Ty Perry of Polaroid supported Brown on the direct re-use without reclamation at an off-site of generation company. Another example would be a methanol caustic water-based waste stream which could be supplied for use as windshield washer to several vendors, but the regs do not allow the use of a broker. The permit system does not work in this case, Perry stated. Therefore, the waste has to be incinerated.

Following the meeting the Steering Committee members, Cox and Brown, met with Wrenn to set the agenda for future meetings and to consider the vacancies on the committee.

GOVERNMENT DOCUMENTS
COLLECTION

HWACalendar

JUL 21 1995

University of Massachusetts
Depository Copy

June 21, 1995

MEETING NOTICE

DEP ONE WINTER STREET BOSTON 7TH FLOOR CONFERENCE ROOM

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

Agenda

- 9:30 Minutes of the April 19, 1995 meeting
- 9:45 Announcements and updates
- Bureau-wide Advisory Committee
Public Hearing Drafts progress report
Incorporation-by-Reference progress report
- 10:00 Federal Used Oil Rule [40 CFR Part 279] overview -
Jim Miller and Joseph Tepper
- Differences between Federal and State will be
highlighted.
- 11:00 The New EPA/RCRA (EPA representative invited)
- 11:30 August Field Trip (8/16/95)

Transporter Committee meeting
DEP, 5th Floor Conference Room

August 9, 1995
10:00 - noon



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
April 19, 1995

Members present: Adams (chair), Rubinstein

Members absent: Brown, Cahaly, Cox, Franklin, Lataille, Mascoop, Perry, Shaines

Minutes of the February 15 meeting were approved as written.

Announcements: Steve DeGabriele said that David Struhs will be starting as DEP Commissioner, as of May 1. Tom Powers will continue as Deputy Commissioner. Struhs worked as chief of staff for EPA Region I under Michael Deland and has been working with Deland at the Washington-based Council for Environmental Quality.

Nancy Wrenn said that two new public members have been invited by the Steering Committee to join the committee - William (Ty) Perry of Polaroid and Al Shaines, longtime participant in HWAC work. At this time there are vacancies in the designated membership for a representative from the MA Association of Conservation Commissions, the MA Public Health Association, and the Regional Planning Agency seat vacated by Mary Ellen Schloss. Following Andrea Adams' suggestion, she was asked to draft a letter from the Steering Committee to organizations with vacancies, stating the important work of program evaluation and encouraging their participation. Once the designated new members have submitted their letter of interest with a letter of recommendation from the organization, the appointment requests will be submitted as a package through the Commissioner and the Secretary to the Governor, Wrenn explained.

Tom Hughes, coordinator of policy development for the Office of Program Integration, reported on a joint advisory committee meeting held March 21. He will be circulating a document which discusses various options and recommendations for a continued Bureau-wide advisory effort.

Status of Reg Revision and Policy Work

Jim Miller handed out the signed battery policy, which was discussed in draft at the last HWAC meeting. The recommendation of HWAC that a sunset provision be included was added. Two companies (Global Recycling and Portable Rechargeable Battery Association) have begun providing battery collection services.

Bill Sirull discussed a proposed Solid Waste policy on the disposal

of waste debris containing lead-based paint. Currently there is a great deal of lead abatement work being done in Mass, of which 20-25% of the cost may be hazardous waste disposal. The policy would allow the painted wood material to go to lined solid waste landfills without testing. If the paint is separated from the wood, it may be classified as hazardous waste, or if it goes to an unlined landfill, it would need to be tested. EPA Headquarters wants to remove this material from RCRA coverage into TSCA, with management standards.

Lynn Rubinstein asked if lead chips going into solid waste would not be dilluted and therefore eligible for the same exclusion. Sirull said that contractors are regulated and licensed by the Division of Labor and Industries. Co-mingling of lead paint waste and solid waste is not allowed. It is also not advisable for homeowners to do the de-leading themselves. No lead, except in trace levels, has been seen in leachate from SW landfills in Mass.

Jim Miller said that the revised Household Hazardous Waste regulations should be completed with in 3-4 weeks. The goal is to promote the establishment of collection centers. Rubinstein and Adams expressed concern about the conditions for transfer of collected waste from one licensed vehicle to another in the mobile collection scenario being proposed. The "transportation-related area" needs to have some specified management standards. There is uncertainty, Miller said, about the impact of the Federal pre-emption case in NY, which may allow consolidation in such areas. The permanent center could also serve as the consolidation point. A focus group will be scheduled within a few weeks to include anyone who is interested in exploring this set of proposals. Miller said a July hearing schedule is planned. Also in this group of proposed regs will be the Class A group, marketers, and zero discharge.

Miller noted that the program now has an additional attorney to help with the reg revision and Incorporation by Reference (IBR) work, thanks in part to the HWAC letter.

Surplus Paint and Automotive Recycling Program Status Report

Nancy Wrenn briefly described the new recycling programs being supported by the Clean Environment Fund to encourage the re-use and recycling of surplus paint and the collection of used oil, filters and antifreeze from Do-it-Yourself auto mechanics. Some 30-40 communities are applying for equipment in each program. Collections will begin in July.

HWACalendar

GOVERNMENT DOCUMENTS
COLLECTION

SEP 11 1995

August 16, 1995

MEETING NOTICE

University of Massachusetts
Depository Copy

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

LOCATION OF THIS MEETING WILL BE IN SPRINGFIELD
at the DEP Regional Office
Room 525
436 Dwight Street

1:30 - 3:30 PM

Directions: Take Exit 6 (Rte. 291) from the Mass. Turnpike going west, turn left at end of ramp, stay in middle lane, exit at Dwight Street, turn left, go approximately 3 blocks. Building will be on the right. Parking meters (.25/half hr) and parking lots (Chess Man Lounge, Ken's Parking) are available near the building.

Agenda

- 1:30 Minutes of the June 21, 1995 meeting
- 1:45 Welcome from Regional Office
Announcements and updates
- 2:00 Reactions to visit to Monsanto
- 2:30 HWAC Goals for the upcoming year

Transporter Committee meetings
DEP, 5th Floor Conference Room

August 9, 1995
October 11, 1995
10:00 - noon



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
June 21, 1995

Members present: Cahaly, Lataille, Mascoop, Perry,
Rubinstein (chair), Shaines

Members absent: Adams, Brown, Cox, Franklin

Approval of the minutes of the April 19 HWAC meeting were deferred due to lack of a quorum at the beginning of the meeting.

Updates: Jim Miller provided a progress report on the draft regulations going to public hearing. The Household Hazardous Waste regulations have been addressed in a focus group meeting, the Transporter as Marketer regulations have been reviewed by the waste oil subcommittee and the transporter committee, and there is continuing internal review of all the proposed changes. Certain revisions, as in the PCB group, are for clarity and consistency. The Class A revisions have already been reviewed by HWAC and follow the recommendations of the Regs Review Subcommittee.

Incorporation-by-Reference work will continue to be the focus of the program's effort. David Webster from EPA presented a chart which showed the status of each N.E. state relative to those federal regulations which have been adopted, those which are incorporated in state regulations but have not been formally adopted as "equivalent" to the federal, and those where neither has happened.

Federal Used Oil Rule presentation: The federal rules (40 CFR Pt. 279) will become effective, July 1995 and MA will have to demonstrate that our rules are equivalent. The intention of these regulations is to make used oil more amenable to recycling. However, there are differences, which Miller and Joseph Tepper discussed as they made their presentation. For example, the federal definition of used oil includes "synthetic oil," mineral spirits can be classified as "oil," and unused tank bottoms are considered a solid waste under the federal scheme. Lynn Rubinstein asked if the Department's oil filter policy would be adopted as a regulation. Miller said that it would be possible to consider that in the '95/'96 set of regulations to be amended.

Some of the federal rule would be difficult to adopt in Mass., e.g. mixtures of used oil and federally-exempt waste, such as household hazardous waste and VSQG hazardous waste, would be considered to be used oil under the federal scheme. The federal rule defines used oil transfer facilities, which are not likely to be adopted in

Mass. where transfer facilities are not recognized as such. Webster noted that Mass. can be more stringent. The intent, he said, is common sense and to encourage recycling.

The New Look at EPA New England/RCRA was presented by David Webster, RCRA Branch Chief at EPA. The new look in state partnerships, he said, is focused on performance, accountability and flexibility. There will be less rigidity in state grants and joint goal-setting. He sees HWAC as a good model. EPA is looking at new ways to measure performance and Mass. is already a step ahead. EPA is organizing to be multi-media and "place-based," e.g. wetland, coastal beach, and working backward, as in corrective action. This next year he sees a push to do IBR in Mass. The data collection system (RCRIS) needs some work to make it more flexible and easier to use.

A second area in which EPA is changing is in multi-media enforcement and compliance assistance and this is reflected in the current reorganization of the agency. Places, communities, industries and chemicals are being targeted for enforcement and corrective action. "Environmental indicators" are being developed to measure the effectiveness of these programs. A proposed organizational chart showing the Offices of Administration & Resource Management, Ecosystem Protection, Environmental Stewardship, Site Remediation and Environmental Measurement and Evaluation was distributed. Webster stated that EPA has been mandated by President Clinton to achieve a ration of 11 staff to each manager.

Next meeting of HWAC:

Nancy Wrenn asked if the members would like to do a field trip, as in previous years, and suggested oil facilities, e.g. a marketer, asphalt batching plant and oil filter processor, as a possible focus for the August 16 trip. Several members responded that they would prefer to visit a large generator and suggested Monsanto Chemical. Wrenn will look into this.

Ty Perry asked if there could be some discussion of how the committee's time could be spent in coming months most effectively. Rubinstein noted that she liked the focus group approach, as particular topics come up. It was agreed that at the next HWAC meeting, following the field trip, there would be a review of the program's work plan and a survey of members' interests.

Handouts: Summary of Used Oil Presentation (32 pages)
The New Look at EPA NE/RCRA with Proposed Organizational
Charts (6 pages)

HWACalendar

October 18, 1995

MEETING NOTICE

GOVERNMENT DOCUMENTS
COLLECTION
NOV 08 1995

University of Massachusetts
Depository Copy

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

Location of the Meeting: 6th Floor Conference Room
One Winter Street, Boston

AGENDA

- 9:30 Minutes of the August 16, 1995 HWAC meeting
- 9:45 Announcements and updates
 - Promulgation of regulations - James Paterson
 - Steering Committee report - Adams, Cox
- 10:00 Setting HWAC goals for the upcoming year:
 - Status of Regulatory Work Plan, including
 - Zero discharge and Incorporation by Reference
 - Jim Miller
- 10:15 Current Policy development related to remediation waste and recycling related to "treatment on site" - John Carrigan
- 10:45 The Universal Waste Rule: Implementation Issues - Miller
- 11:30 Work assignments for 1995-1996

Transporter Committee meetings
5th Floor Conference Room
One Winter Street, Boston

October 11, 1995
December 13, 1995



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
August 16, 1995

Members present: Adams (chair), Brown, Cahaly, Mascoop, Perry

Members absent: Cox, Franklin, Lataille, Rubinstein, Shaines

The meeting was held in the DEP Western Regional office in Springfield, following a field visit to the Monsanto plant. Lynn Rubinstein participated in the Monsanto visit. Ty Perry joined the group for the afternoon HWAC meeting.

Loretta Oi, acting regional director of the Bureau of Waste Prevention, greeted the members and provided a brief overview of trends in hazardous waste generation in the western region. There has been a significant increase in the number of registered VSQG's in the past 5 years (275 in 1990 → 3133 in 1995) and a nearly 50% decrease in number of LQG's and SQG's. She suggests that this may be due to increased awareness of regulatory obligations, enhanced enforcement and/or monetary incentives. She noted that HWAC's recommendations relative to reg reform could help the program.

The minutes of the June 21 HWAC meeting were approved as written.

Announcements:

Nancy Wrenn reported that the current designees (Shaines, Perry and Rubinstein) for appointment to the committee have been submitted along with three pending recommendations to the Governor, through the Secretary (EOEA) and the Commissioner (DEP). She noted that the Bureau is currently going through "realignment." Geoff Brown suggested that staff keep the Steering Committee informed. The status of this committee relative to the Bureau-wide advisory committee was discussed and it was noted that HWAC is statutorily mandated. Andrea Adams stated that the BWP committee is intended to coordinate functions of various advisory committees and draws its membership from them.

Reactions to the Monsanto visit:

Ethan Mascoop noted that it seemed as though Monsanto had had considerable attention from DEP, and he contrasted this with the many small businesses in his area, which is a major watershed and has many wells (University Ave, Neponset Watershed) where much of the monitoring is done by local government and they are never inspected by DEP. The community leaders are pushing economic

development and new businesses are coming in. Often they learn later that there are many violations. As the health officer, he is looked to for information about environmental matters. (Over half of the 200 businesses in Westwood must register under the HazMat By-Law.) He questions whether DEP can partner with local governments and small businesses more effectively. Cahaly agreed that there is a need to communicate, that many are still fearful of regulations and regulators. The change of "culture" expressed at Monsanto has not filtered down to the small business community, he believes. [Monsanto believes it is a "privilege to operate not a right." They are undertaking an international leadership role in environmental standard setting.]

HWAC Goals for the Upcoming Year:

Members developed a list of issues, several of which were posed by Ty Perry.

- Municipalities and VSQG's (Mascoop)
- Household Hazardous Waste and Universal Wastes (Adams)
- Waste exchange and recycling opportunities (Brown)
- Definition of "completely enclosed recycling" (Perry)
- On-site treatment by generators, e.g. treatment in drums, compaction (Perry)
- Variations between 21C and 21E in interpretations of "treatment on site," e.g. waste piles (Perry)
- Multi-site recycling under same ownership (Perry)
- Zero discharge - who should regulate? (Perry)
- Biennial reporting of wastewater with low concentrations of hw (Perry)
- Audit privilege (are in-house audits confidential?) (Perry)

Perry distributed color-coded copies of the Regulatory Development Work Plan which had been referred to in the June HWAC meeting. The first phase had been put forward in the current draft regulations, the second group was focused on recodification and the third group would deal with remaining HWAC recommendations from its reg review work. Brown and Adams volunteered to work on developing these issues with Perry for possible future HWAC agendas and subcommittee efforts.

Steering Committee members Adams and Cox met with Perry, Jim Miller and Nancy Wrenn on September 27 to review topics from this list for the October 18 HWAC meeting.

HWACalendar

December 20, 1995

MEETING NOTICE

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

Location of the meeting: 7th Floor Conference Room
One Winter Street, Boston

GOVERNMENT DOCUMENTS
COLLECTION

RSVP for lunch by December 15: Nancy Wrenn

JAN 02 1995

AGENDA

University of Massachusetts
JAN 02 1995

9:30 Minutes of the October 18, 1995 HWAC meeting

9:45 Reports:

- HWAC Working Committee - Rubinstein/Brown
- Hazardous Household Products Forum - Wrenn
- ASTSWMO Meeting on national issues - Miller
- Report on Universal Waste Rule from national Hazardous Materials Management Conference - Wrenn

11:00 Proposed Changes to Driver Training for Hazardous Waste Transporters

11:15 Proposed Change in Federal Definition of "On-Site" ("Site") - Miller

11:30 The Printers Partnership, a new multi-media initiative - Wrenn

12:00 **Annual Holiday Lunch - reservations required** (contribution of \$6.50/person requested)

Transporter Committee (Al Nardone, contact)
One Winter St.

December 13, 1995 and
December 20, 1995

HWAC Working Committee (J. Miller, contact)
Fish & Wildlife Library, Westboro

December 13, 1995
9:30 - 12:00



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
October 18, 1995

Members present: Adams (chair), Brown, Cahaly, Cox, Lataille, Rubinstein, Shaines

Members absent: Franklin, Mascoop, Perry

The minutes of the August 16, 1995 meeting were accepted.

James Paterson, DEP regulatory development specialist, reported that the regulations were in the final stage of promulgation and expected to become final in early November. The draft, which was mailed in advance of public hearings, contains an explanation of how and why the regs were changed. The five amendments include a change of Class A recycling permits to presumptive approvals, eliminates from Class A lead acid batteries and municipal used oil collection centers which burn their oil; allows private sector companies to sponsor a HHW event or permanent collection center, allows DPW-type vehicles to collect HHW from households and simplifies the application for permanent collection centers; clarifies the used oil marketer definition; and miscellaneous changes intended to clarify and correct certain sections. Paterson said that there were few written comments and even fewer who provided testimony at the hearings. Based on these comments, minor changes have been made in the final version. A summary response will be developed.

HWAC member Shaines questioned the need for training of DPW vehicle operators if household can put any mixture in the trash. Response: DOT has its own requirements for transport of hazardous materials. Brown suggested that it would be a disincentive to require a private company to inform the state one month in advance of a collection event for its employees. Adams noted that it would be important to let the Fire Department know.

Jim Miller noted that he hopes to train DEP regional staff on the changes in the regs, as well as the regulated community. Shaines suggested that it would be helpful to meet with AIM's Energy and Environment committee. Lataille said that staff should target their audiences, using AIM as a first stage effort. Wrenn announced that there would be a forum on December 12 for municipal HHW coordinators in which the new regs would be explained.

Goals for upcoming year:

Cox reported for the HWAC steering committee that this agenda had been developed largely from suggestions which had been made by Ty Perry and other members at the August meeting. The steering committee intends to focus future HWAC meetings on these topics.

1. Zero Discharge Regs. Miller stated that because of the complexity of these regs, and lack of legal counsel, the proposed solution has been stalled. He believes 70% of the work has been completed. Brown noted that there seems to be different regulatory interpretations among DEP regions and he would like to see this resolved. He proposed that HWAC send a letter to the BWP Assistant Commissioner requesting legal resources to address the zero discharge regs. Miller noted that case examples (typically, electroplaters) would be helpful in presenting the case for more resources. Cox volunteered to draft this letter and send it to the HWAC members for review.

2. Incorporation by Reference. Stephanie Goodwin, IBR consultant to DEP, has completed the first checklist of 100 items. There are 9-10 checklists. Transporter regs are on hold due to possible pre-emption. Total project is expected to take at least two years. Additional funding from other sources is being sought.

3. Universal Waste Rule. Miller said that there are two major questions, one related to state authorization and the other to inter-state transport. A letter to EPA has been drafted in collaboration with other northeast states through the Northeast Waste Management Officials Association.

There will be a working meeting of HWAC members on November 14 to continue developing the work plan.

Current policy development related to remediation waste and recycling:

John Carrigan, DEP soils specialist, described actions in Washington and by Sec. Coxe, and the Waste Site Cleanup program related to on-site management of contaminated media. The HW Identification Rule distinguishes between contaminated media and process waste. Many states want RCRA out of on-site remediation. A draft rule of May 1995 proposes a "Bright Line Approach" but this is not gaining support; a "unitary approach" now seems to be favored. Jim Colman, BWSC assistant commissioner, is chair of the CERCLA reauthorization group at the national waste management association. It is proposed that states would have the ability to control what soils can go to solid waste landfills. The off-site issue is the most contentious. Mass. feels relatively comfortable that we can control what would go offsite to solid waste treatment. As for on-site recycling, there is a presumption that this media is not hazardous waste under certain conditions, e.g., within "captive" sites (material from those owned by the same corporation could be moved from one site to another without being RCRA manifested). At the end of November, 1995 three options will be presented to EPA. A Final Rule is expected in 1997.

Additional topics:

Wrenn said that another topic is one which was offered by Mascoop, local/DEP coordination on oversight of VSQG's. There was general agreement that the upcoming working committee meeting would be an opportunity to continue discussion of items for the work plan.

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